

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	NO. 2:03-CR-74
	)	
TASHA FLEMING	)	

**ORDER**

The defendant, Tasha Fleming, has filed a motion to amend, correct or reduce her sentence. The defendant pled guilty to Count 2 of an indictment which charged her with a conspiracy to distribute and to possess with the intent to distribute cocaine base or crack. On November 22, 2004, she was sentenced to serve a total term of 60 months. She did not file a notice of appeal; therefore, her sentence became final ten (10) days after her judgment was entered on December 8, 2004.

The defendant asks this Court to apply *United States v. Booker*, 534 U.S. 220 (2005), to her case and to resentence her. However, the Sixth Circuit has concluded that *Booker's* rule does not apply retroactively to decisions which are

already final. See *Humphress v. United States*, 398 F.3d 855, 860 (6th Cir.2005).

Accordingly, it is hereby **ORDERED** that defendant's motion is **DENIED**. [Doc. 409].

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE